

BOARD OF APPEALS CASE NO. 4903

BEFORE THE

APPLICANT: Patricia Bennett

ZONING HEARING EXAMINER

REQUEST: Variance to replace a non-conforming mobile home with a double-wide mobile home; 555 Trimble Road, Joppa

OF HARFORD COUNTY

Hearing Advertised

Aegis: 3/10/99 & 3/17/99

Record: 3/12/99 & 3/19/99

HEARING DATE: May 19, 1999

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Patricia Bennett, appeared before the Hearing Examiner requesting an enlargement of a non-conforming use.

The subject parcel is located at 555 Trimble Road in the First Election District. The parcel is identified as Parcel No. 299, in Grid 4-B, on Tax Map 65. The parcel contains 4.935 acres, more or less, all of which is zoned R2. The parcel is owned by Jesse Lohr, who resides at the same address.

Ms. Patricia Bennett appeared and testified that she currently resides in a 14 by 60 foot mobile home on the subject parcel and that she would like to replace the mobile home with a double-wide with dimensions of 28 by 64 feet. The Applicant said that the existing mobile home is old and deteriorated and that it would be very costly to repair the existing unit. The Applicant said she did not feel that approval of the expansion would adversely affect adjacent properties or the surrounding neighborhood. The Applicant said that she is requesting a variance to increase the gross square footage in use at the time of the creation of the non-conformity by more than 50%. The Applicant said the subject property is unique due to its configuration and size and is not a typical R2 parcel. The Applicant went on to testify she did not feel the variance would be detrimental to adjacent properties or materially impair the purpose of the Code.

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Mr. Jesse Lohr, the property owner, appeared and said there are other double-wide units in the immediate area and that he did not feel approval of the variance would be detrimental because he has spoken with the neighbors and they did not appear in opposition to the request.

The Staff Report of the Department of Planning and Zoning recommends approval, and no protestants appeared in opposition to the Applicant's request.

CONCLUSION:

The Applicant is requesting a variance to Section 267-21 and 267-20(B)(2) of the Harford County Code to enlarge a non-conforming use by more than 50% of the gross square footage in use at the time of creation of the non-conformity.

Section 267-20(B)(2) provides:

"A mobile home locate in a residential district may be replaced with one of a larger size, provided that the enlargement does not exceed fifty percent (50%) of the gross square footage of the mobile home in use at the time of the creation of the non-conformity."

Section 267-21 provides:

"Enlargement or extension of nonconforming buildings, structures or uses.

The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions, provided that:

- A. The proposed extension or enlargement does not change to a less-restricted and more-intense use.
- B. The enlargement or extension does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the nonconformity.
- C. The enlargement or extension does not violate the height or coverage regulations for the district.
- D. The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.
- E. The limitations, guides and standards set forth in Section 267-9(I), Limitations, guides and standards, are considered by the Board."

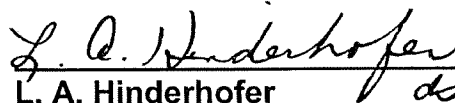
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The Applicant testified that she would like to replace an existing mobile home with a double-wide mobile home with dimensions of 28 by 64 feet and a total square footage of 1,728 square feet. The Code limits the expansion to 50% of the square footage and, therefore, the Applicant is requesting a variance to that portion of Code Sections 267-20(B)(2) and 267-21. The Applicant testified that the existing mobile home is old, the roof leaks and needs many repairs which would be quite costly and would present a hardship on the Applicant. The Applicant also indicated the subject property is unique for the reasons set forth in her testimony. The property owner, Jesse Lohr, also testified that he did not feel that the variance would be detrimental to adjacent properties and that there are other double-wide units in the neighborhood.

The evidence indicates that the proposed extension or enlargement will not change the use on the property to a less restrictive and more intense use, that approval will not violate the height or coverage regulations for the District, and that approval will not adversely affect adjacent properties, traffic patterns, or the surrounding neighborhood. There was also no evidence that approval of the Applicant's request would adversely impact the "Limitations, Guides and Standards" set forth in Section 267-9(I).

Therefore, it is the recommendation of the Hearing Examiner that the requested variance to increase the square footage to allow a double-wide mobile home with dimensions of 28 feet by 64 feet be approved and that the expansion of the non-conforming use shall be subject to the condition that the Applicant obtain all necessary permits and inspections for the replacement unit.

Date JUNE 3, 1999



L. A. Hinderhofer
Zoning Hearing Examiner